

REVISED

Formal Meeting Agenda



Tempe City Council May 5, 2005

Harry E. Mitchell Government Center
Tempe City Hall - City Council Chambers
31 East Fifth Street
7:30 p.m.

1. INVOCATION - Councilmember Hutson
2. PLEDGE OF ALLEGIANCE
3. MINUTES - Councilmember Carter
 - A. Approval of Council Meeting Minutes
 1. Council Executive Session – January 20 & April 21, 2005
 2. Council Issue Review Session – March 3, 2005 [20050505clrkck01.pdf](#)
 3. Council Formal Meeting – April 21, 2005 [20050505clrkck02.pdf](#)
 4. Central City Development Committee of the Whole – January 6, 2005
[20050505clrkck03.pdf](#)
 5. Joint Council/ Guadalupe Town Council Dinner – February 17, 2005
[20050505clrkck04.pdf](#)
 6. Joint Council/ASU Senior Staff – March 7, 2005 [20050505clrkck05.pdf](#)
 7. Council's Diversity & Human Relations & Resources Committee –
January 18, 2005 [20050505dhrrc01.pdf](#)
 8. Council's Education Partnerships Committee – February 1, March 1 &
April 5, 2005 [20050505ep01.pdf](#) [20050505ep02.pdf](#) [20050505ep03.pdf](#)
 - B. Acceptance of Board & Commission Meeting Minutes
 9. Aviation Commission – March 8, 2005 [20050505tavco01.pdf](#)
 10. Building Code Advisory Board – December 21, 2004 [20050505bcab01.pdf](#)
 11. Committee for Youth, Families & Community – February 14 & March 21, 2005
[20050505cyfc02.pdf](#) [20050505cyfc01.pdf](#)
 12. Community Special Events Task Force – April 12, 2005 [20050505setf01.pdf](#)
 13. Enhanced Services Commission – March 16, 2005 [20050505esc01.pdf](#)
 14. Hearing Officer – April 19, 2005 [20050505ho01.pdf](#)
 15. Library Advisory Board – March 7, 2005 [20050505lab01.pdf](#)
 16. Mayor's Youth Advisory Commission – March 22, 2005 [20050505myac01.pdf](#)
 17. Municipal Arts Commission – March 9, 2005 [20050505mac01.pdf](#)
 18. Parks & Recreation Board – March 8, 2005 [20050505csmr01.pdf](#)

4. REPORTS AND ANNOUNCEMENTS

- A. Mayor's Announcements
- Law Day Celebration
 - Grad Nite Check Presentation
 - Board and Commission Appointments [20050505boards.pdf](#)
- B. Manager's Announcements

5. AGENDA

All items listed on the agenda will be considered as a group and will be enacted with one motion by the City Council unless an item is removed for separate consideration. Members of the public may remove public hearing items for separate consideration. Public hearing items are designated by an asterisk (*). Councilmembers may remove any item for separate consideration.

Agenda items scheduled for Introduction/First Public Hearing will be heard, but will not be voted upon at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon tonight.

'q-j' indicates quasi-judicial items. The City Council sits as a quasi-judicial body when hearing variances. In this situation, the City Council must conduct itself as a court, not as a legislative body. Pre-meeting contact with the City Council on quasi-judicial matters is prohibited. Any materials or conversations concerning the item shall only be presented to the City Council at the scheduled public hearing.

A. Miscellaneous Items

19. Request approval of the Report of Claims Paid to be Filed for Audit for the weeks of April 10 & 17, 2005.

COMMENTS: A copy of the detailed claims report may be obtained by contacting the City Clerk's Office.

20. Request approval of the revised City of Tempe Emergency Operations Plan.

COMMENTS: Required by the Federal Emergency Management Agency.

DOCUMENT NAME: [20050505fdta01.pdf](#) NATURAL & TECHNOLOGICAL DISASTER OPERATIONS PLAN (0603-01)

21. Request approval for an Amended Final Subdivision Plat by BETHANY COMMUNITY CHURCH at 6240 South Price Road.

COMMENTS: (Bethany Community Church, Russ Bishop, property owner) #SBD-2004.75 (CC040070) for an Amended Final Subdivision Plat consisting of one (1) lot on 16.5 net acres.

DOCUMENT NAME: [20050505dsd2k04.pdf](#) PLANNED DEVELOPMENT (0406)

22. Request approval of an addendum to an Intergovernmental Agreement (C2004-198) between the Tempe Union High School District and the City of Tempe for substance abuse prevention services.

COMMENTS: Addendum increases school district funding to the city for services by \$2,304. School-Based Prevention Programming.

DOCUMENT NAME: [20050505csjt01.pdf](#) TEMPE UNION HIGH SCHOOL DISTRICT (0109-14)

23. Authorize the Mayor to execute a lease extension agreement between the City of Tempe and Centerpoint Plaza Limited Partnership.

DOCUMENT NAME: [20050505dsnc03.pdf](#) CENTRAL BUSINESS DISTRICT (0403-05)

24. Request approval of an Intergovernmental Agreement between Kyrene School District No. 28 and the City of Tempe for the Provision of Before School, After School and Summer Snacks and Breakfasts for the Kid Zone Enrichment Program.

DOCUMENT NAME: [20050505csjt02.pdf](#) NON-COUNCIL CONTRACTS (0505-01)

- *25. This is a public hearing to recommend the approval of a Series 9 Liquor Store License for Circle K Stores, Inc., dba Circle K, #2844, 119 W. University Drive.

COMMENTS: Kim K. Kwaitkowski, Agent

DOCUMENT NAME: [20050505LIQ1.pdf](#) LIQ LIC (0210-02)

- *26. This is a public hearing to recommend the approval of a Series 10 Beer and Wine Liquor Store License for Circle K Stores, Inc., dba Circle K, #5288, 8749 S. Rural Road.

COMMENTS: Kim K. Kwaitkowski, Agent

DOCUMENT NAME: [20050505LIQ2.pdf](#) LIQ LIC (0210-02)

- *27. This is a public hearing to recommend the approval of a Series 10 Beer and Wine Liquor Store License for Circle K Stores, Inc., dba Circle K, #1636, 15 W. Southern Avenue.

COMMENTS: Kim K. Kwaitkowski, Agent

DOCUMENT NAME: [20050505LIQ3.pdf](#) LIQ LIC (0210-02)

- *28. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for Seven Thirteen, Inc., dba Baseline Sports Bar, 201 E. Baseline Road.

COMMENTS: Jolene A. Hunter, Agent

DOCUMENT NAME: [20050505LIQ4.pdf](#) LIQ LIC (0210-02)

- *29. This is a public hearing to recommend the approval of a Series 12 Restaurant Liquor License for City Chen Phoenix Corporation, dba Kobe Steak House, 1125 W. Elliot Road.

COMMENTS: Charlie Chi-Jen Chen, Agent
DOCUMENT NAME: [20050505LIQ5.pdf](#) LIQ LIC (0210-02)

- *30. This is a public hearing to recommend the approval of a Series 6 Bar Liquor License for Kharma Management Services, Inc., dba Big Fish Pub, 1954 E. University Drive.

COMMENTS: Mark Alan DiCarlo, Agent
DOCUMENT NAME: [20050505LIQ6.pdf](#) LIQ LIC (0210-02)

B. Award of Bids/Contracts

31. Request approval to utilize a one-year State of Arizona contract with Federal Communications Group for cabling communications systems.

COMMENTS: Total cost of this contract shall not exceed \$175,000 during the initial contract period.

DOCUMENT NAME: [20050505fsts04.pdf](#) **PURCHASES** (1004-01)
AD020193-003-A1

32. Request approval to utilize one-year Maricopa County and Western States Contract Alliance (WSCA) contracts with Alltel Communications, Nextel Wireless Services, Verizon Wireless, Arch Wireless, Handy Page, Network Services, LLC, and Verizon Wireless Messaging Services for cellular telephone, paging and related services and equipment.

COMMENTS: Total cost of this contract shall not exceed \$400,000 during the initial contract period.

DOCUMENT NAME: [20050505fsts06.pdf](#) **PURCHASES** (1004-01)
04043-01, 02, 03, 04, 05, 11-00115, 12-00115

33. Request to award a Construction Manager at Risk Design Phase Services contract to D. L. Withers Construction for the East Valley Bus Operation and Maintenance Facility.

COMMENTS: Subject to execution of the final written contract. Total amount shall not exceed \$280,883.

DOCUMENT NAME: [20050505PWTG04.pdf](#) **TRANSPORTATION PLANNING**
(1101-01) PROJECT NO. 6000561

34. Request award of Construction Manager at Risk Construction Services contract to

Achen-Gardner Engineering, LLC, plus approve a contingency allowance of \$50,000 for change orders for the Apache Boulevard Waterline Replacement - GMP I.

COMMENTS: Subject to execution of the final written contract for a Guaranteed Maximum Price of \$434,818.

DOCUMENT NAME: [20050505PWMG05.pdf](#) WASTEWATER MANAGEMENT ADMIN. (0812-01) PROJECT NO. 3201681

35. Request to award a sole source contract to Oracle Corporation for software maintenance support and the purchase of additional licenses for Tempe Public Library database upgrades.

COMMENTS: Subject to execution of the final written contract. Total cost for this contract shall not exceed \$203,453 during the contract period.

DOCUMENT NAME: [20050505fsts05.pdf](#) PURCHASES (1004-01) #05-149

36. Request to award a one-year contract with two (2) one-year renewal options to Summit Electric Supply for cast iron light poles (Old Town Special District).

COMMENTS: Subject to execution of final written contract. Total cost for this contract shall not exceed \$100,000 during the initial contract period.

DOCUMENT NAME: [20050505fsgl01.pdf](#) PURCHASES (1004-01) IFB #05-097

37. Request approval of a one-year contract renewal with Move Cost Specialists for Moving Consultant/Coordinator Services (Light Rail Project).

COMMENTS: Total amount shall not exceed \$250,000.

DOCUMENT NAME: [20050505fsgl02.pdf](#) PURCHASES (1004-01) 03-016-01-PHX

38. Request approval for a \$200,000 increase in the contract amount with Metron Farnier, LLC, for water meters.

COMMENTS: Increase from \$300,000 to \$500,000.

DOCUMENT NAME: [20050505fsts03.pdf](#) PURCHASES (1004-01) T05-017-01

39. Request approval of an addendum to a professional services contract with Burgess & Niple for the Well #15 Equipping Project.

COMMENTS: Subject to execution of the final written addendum in the sum of \$33,563.

DOCUMENT NAME: [20050505PWTG02.pdf](#) WELLS-CONSTRUCTION /MAINTENANCE (0811-01) PROJECT NO. 3200012

40. Request approval of an addendum to a professional services contract with Wilson & Company for design of the Kyrene Reclamation Facility (KRF) Expansion Project.

COMMENTS: Subject to execution of the final written addendum for an amount not to exceed \$441,247.

DOCUMENT NAME: [20050505PWTG03.pdf](#) KYRENE WATER
RECLAMATION PLANT (0812-02) PROJECT NO. 997044

- C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.

- *41. This is the **introduction and first public hearing** authorizing the Mayor to enter into Addendum No. 2 to the Lease Agreement with Tempe Little Theatre for use of the Tempe Performing Arts Center. **The second public hearing is set for May 19, 2005.**

COMMENTS: Addendum No. 2 to the Lease Agreement establishes five additional one-year term extensions to the Lease Agreement. Each one-year term will renew automatically unless the City Manager or designee notifies Tempe Little Theatre that the Lease will not be renewed for any additional terms.

DOCUMENT NAME: [20050505cacc01.pdf](#) MUNICIPAL COMPLEX
(TLT/CHILDSPLAY) (0902-23) ORDINANCE NO. 2005.28

- *42. This is the **introduction and first public hearing** authorizing the Mayor to enter into Addendum No. 3 to the Lease Agreement with Childsplay, Inc., for use of the Tempe Performing Arts Center. **The second public hearing is set for May 19, 2005.**

COMMENTS: Addendum No. 3 establishes five additional one-year term extensions to the Lease Agreement. Each one-year term will renew automatically unless the City Manager or designee notifies Childsplay, Inc. that the Lease will not be renewed for any additional terms.

DOCUMENT NAME: [20050505cacc02.pdf](#) MUNICIPAL COMPLEX
(TLT/CHILDSPLAY) (0902-23) ORDINANCE NO. 2005.29

- *43. This is an **introduction and first public hearing** for a Zoning Map Amendment and a Preliminary Planned Area Development Overlay for COSMO, 234 West University Drive. **The second public hearing is set for May 19, 2005.**

COMMENTS: (Matt Gismondi, Gentle Strength Cooperative Inc. property owner) (RRC05004) for a sixteen story building with approximately 488,000 s.f. of building on 1.77 acres, including the following:

#ZON-2005.05 Ordinance No. 2005.08 for a Zoning Map Amendment from GID, General Industrial District (formerly I-2, General Industrial) to CC, City Center District on 1.77 acres.

#SPD-2005.32 for a Preliminary Planned Area Development Overlay District consisting of 170,000 s.f. of residential condominiums, 67,000 s.f. of grocery store/commercial and

450+ parking spaces within 488,000 s.f. of building on 1.77 acres.

DOCUMENT NAME: [20050505dsrl02.pdf](#) PLANNED DEVELOPMENT (0406)

- *44. This is an **introduction and the first public hearing** for a Zoning Map Amendment, a Preliminary and Final Planned Area Development and a Subdivision Plat for DOLCE VITA, at 202 South Hardy Drive. **The second public hearing is set for May 19, 2005.**

COMMENTS: (Babak Taharanchi, D.O., property owner) (CC050012) for 37 three-story residential units on 1.37 net acres, including the following:

#ZON-2005.06 Ordinance No. 2005.17 for a zoning map amendment from R-3, Multi-Family Residential Limited to R1-PAD, Single-Family Residential Planned Area Development on 2.08 gross acres.

#SPD-2005.34 for a Planned Area Development consisting of 37 units with 2 and 3 bedroom units with 1,140 to 1,532 s.f. in living area, including garages.

#SBD-2005.35 for a Final Subdivision Plat consisting of 37 single-family lots and 12 tracts on 1.37 net acres.

DOCUMENT NAME: [20050505dssl02.pdf](#) PLANNED DEVELOPMENT (0406)

- *45. This is the **introduction and first public hearing** of an ordinance authorizing the Mayor to execute a Development and Disposition Agreement between the City of Tempe, College Avenue Advisors and the Arizona National Guard. **The second public hearing is set for May 19, 2005.**

DOCUMENT NAME: [20050505dsnc01.pdf](#) CENTRAL BUSINESS DISTRICT (0403-05) ORDINANCE NO. 2005.30

- *46. This is the **introduction and first public hearing** of an ordinance authorizing the Mayor to execute a development and disposition agreement between the City of Tempe and Newtown Community Development Corporation. **The second public hearing is set for May 19, 2005.**

DOCUMENT NAME: [20050505dsnc02.pdf](#) REAL PROPERTY DISPOSITION (0902-21-01) ORDINANCE NO. 2005.31

- *47. This is the **introduction and first public hearing** to adopt an ordinance to grant a Power Distribution Easement to Salt River Project (SRP). The easement is needed to supply power for the Southern Avenue (SAI) Diversion Structure Project for electric facilities located within a portion of Petersen Park, 1408 W. Southern Avenue. **The second public hearing is set for May 19, 2005.**

DOCUMENT NAME: [20050505PWMG06.pdf](#) EASEMENTS (0904-02) ORDINANCE NO. 2005.26

- *48. This is the **introduction and first public hearing** to adopt an ordinance to grant two Power Distribution Easements to Salt River Project (SRP). The easements are needed

to supply power for SunCor Development's "Rio West Business Park" located at 1621 W. Rio Salado Parkway. **The second public hearing is set for May 19, 2005.**

DOCUMENT NAME: [20050505PWMG07.pdf](#) **EASEMENTS (0904-02)**
ORDINANCE NO. 2005.27

D. Ordinances and Items for Second Hearing/Final Adoption

- *49. This is the **second public hearing** for an ordinance amending Section 19-63 of the Tempe City Code establishing speed limits.

DOCUMENT NAME: [20050505PWJW01.pdf](#) **TCC CH 19 - MOTOR VEHICLES AND TRAFFIC (0503-19)** **ORDINANCE NO.** 2004.47.

- *50. This is the **second public hearing** for an ordinance abandoning a portion of the cul-de-sac at 2036 E. Innovation Circle, in the ASU Research Park, and the existing 20-inch public utility easement adjacent to the cul-de-sac.

DOCUMENT NAME: [20050505PWMG01.pdf](#) **ABANDONMENT (0904-02)**
ORDINANCE NO. 2005.11

- *51. This is the **second public hearing** to obtain citizen input for a resolution authorizing the approval and submission of the Community Development Block Grant (CDBG) and Home Programs Action Plan for Fiscal Year 2005-2006 and for the Five Year Consolidated Plan for Fiscal years 2005-2009.

DOCUMENT NAME: [20050505cdlc01.pdf](#) **COMMUNITY DEVELOPMENT BLOCK GRANT (0207-26)** **RESOLUTION NO.** 2005.17

E. Resolutions

52. Request approval of a resolution to accept grant funding of \$15,700 from the Oversight Council on DUI Abatement for DUI enforcement equipment.

DOCUMENT NAME: [20050505pdsr01.pdf](#) **POLICE DEPARTMENT ADMINISTRATION (0606-02)** **RESOLUTION NO.** 2005.19

53. Request approval of a resolution transferring \$63,685 of RICO funds (Racketeer Influenced and Corrupt Organization Act) to the Tempe Community Council for Seized Asset Community Action summer program grants.

DOCUMENT NAME: [20050505pdsr02.pdf](#) **POLICE DEPARTMENT ADMINISTRATION (0606-02)** **RESOLUTION NO.** 2005.20

54. Request approval of a resolution ordering the sale of \$52,425,000 of City of Tempe General Obligation Bonds, Series 2005, and approving related documents.

DOCUMENT NAME: [20050505fsjh01.pdf](#) BOND SERVICE ADMINISTRATION
(0203-01) RESOLUTION NO. 2005.18

6. PUBLIC APPEARANCES

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on this agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on this agenda. There is a five-minute time limit per speaker. Speaker's visual aids or recorded tapes are not allowed.

Members of the public shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous while addressing the City Council or while attending the meeting. Unauthorized remarks from the audience, clapping, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the City Council meeting.

SCHEDULED PUBLIC APPEARANCE

- Dennis Skolnick, Tempe, re: Downtown Parking Concerns

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-8241 (voice) or (480) 350-8400 (TDD) to request an accommodation to participate in the City Council meeting.

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